IN THE WESTERN DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI WESTERN DIVISION

MICHELLE HERDMAN,)	
	Plaintiff,)	
VS.)	No. 04-723-CV-W-FJG
AMERICAN INNS, INC.,)	
	Defendant.)	

ORDER

On July 19, 2005, the Court issued an Order denying defendant's Motion for Summary Judgment. Defendant had moved for summary judgment because plaintiff sued the wrong corporate entity. The Court noted that as the two entities shared a common owner, plaintiff could have been confused as to who the proper corporate defendant was. The Court therefore gave plaintiff until August 19, 2005 to file an Amended Complaint naming the correct defendant. The Court warned plaintiff that if she did not file an Amended Complaint before the deadline that her Complaint would be dismissed for failure to prosecute. To date plaintiff has failed to respond to the Court's Order or to file an Amended Complaint.

Accordingly, the Court hereby **DISMISSES** plaintiff's Complaint for failure to prosecute.

Date: <u>September 15, 2005</u> Kansas City, Missouri

S/ FERNANDO J. GAITAN, JR.

Fernando J. Gaitan, Jr. United States District Judge